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HEARING EXAMINER
CITY OF BELLINGHAM

**THE HEARING EXAMINER OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN RE:

HE-13PL-007

AMBLING UNIVERSITY
DEVELOPMENT, Applicant 4413
Consolidation Avenue

**CITY OF BELLINGHAM'S
RESPONSE TO APPLICANT'S
MOTION FOR RECONSIDERATION**

PDC 2013-00002, VAR 2013-00001,
DRC 2013-00008 & CAP 2013-00019
Planned Development for University
Ridge

DAWN STURWOLD,
HEARING EXAMINER

The City of Bellingham (City) submits the following response to Applicant's Motion for Reconsideration of the Hearing Examiner's Decision. Appellant seeks the Hearing Examiner's reconsideration on two issues:

1. The Project is restricted to no more than three bedrooms per unit; and
2. The peaks and ridgelines of the Project's upper buildings cannot extend above the centerline elevation of Puget Street.

Applicant requests that the three bedrooms per unit restriction be removed and the building height restriction be clarified or modified. Its motion is based on

ORIGINAL

1 the grounds that the Hearing Examiner's Decision contains a clear mistake as to
2 material fact and a clear error as to the law which should be corrected in the
3 interests of justice. HE Rule 2:28 (a) 4-5.
4

5 The City disagrees with Appellant. The Hearing Examiner has not made a
6 clear mistake as to material fact or a clear error as to the law on either issue.
7 With regards to the building height restriction (Issue 2), establishing the centerline
8 of Puget Street as the reference point for measuring the height of Buildings 1 and
9 2 satisfies the City's requirement to define a precise bench mark for measuring
10 building height. To determine compliance with the height variance, Applicant will
11 be required to establish the centerline elevation of Puget Street and verify that no
12 portion of the roof ridge of Buildings 1 and 2 exceeds this elevation. A building's
13 height in relationship to Puget Street will be measured perpendicular from the full
14 length of the building's ridge to the street's centerline.
15

16 Respectfully submitted this 8 day of November, 2013.
17

18 **CITY OF BELLINGHAM**

19 

20 **Alan Marriner, WSBA #17515**
21 **Assistant City Attorney**

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Ridge

HE-13PL-007

CERTIFICATE OF SERVICE

DAWN STURWOLD,
HEARING EXAMINER

I declare under the penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. I am an employee of the City of Bellingham. My employment address is 210 Lottie Street, Bellingham, Washington 98225.

On November 8, 2013, I served a true and correct copy of the following documents to be delivered as set forth below:

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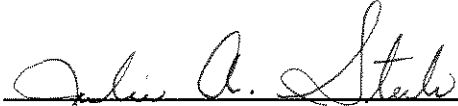
1. **City of Bellingham's Response to Applicant's Motion for Reconsideration**
2. **Certificate of Service**

Dawn Sturwold [] By United States Mail
Hearing Examiner, City of Bellingham [] By Facsimile
210 Central Avenue [] By E-mail
Bellingham, WA 98225 [X] Hand Delivery

Bradley D. Swanson [] By United States Mail
Attorney for Applicant [] By Facsimile
900 Dupont Street [] By E-mail
Bellingham, WA 98225 [X] Hand Delivery

DATED this 8th day of November, 2013.

CITY OF BELLINGHAM



Julie A. Steele
Legal Assistant

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